IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO: 15684 of 2004

Between:

N.Sridhar, S/o N.K.Ananda Rao, Occ: Branch Manager.
Krishna District Cooperative Central Bank Ltd., Machilipatnam, Krishna District.

.... PETITIONER

AND

1 The State of Andhra Pradesh Cooperation Department rep.,

by its Secretary,Secretariat, Hyderabad.
2 The Registrar of Co.operative Societies, Nampally,

Hyderabad.
3 The Joint Registrar/District Co-operative Officer,

Machilipatnam, Krishna District.
4 The Krishna District Cooperative Central Bank Ltd., rep., by

its General Manager, Machilipatnam, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly one in the nature of writ of mandamus by declaring the action of the 4th respondent in issuing the impugned Show Cause Notice proposing to impose a punishment of dismissal from service on the petitioner in Ref.No.52/Estt/2004-05 dated 14-08-2004 as illegal, arbitrary and violative of provisions of the A.P. Co-operative Societies Act and Rules made thereunder, and also violative of Article 14 and 21 of the Constitution of India and pass such other order or orders as it may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.AJAYAKUMAR

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following:

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O R D E R : -

This writ petition is filed against a Show-cause notice, dated 14.8.2004, issued by 4th respondent, directing the petitioner to show cause as to why, he should not be dismissed from the service of the Bank. Admittedly, to the memo, dated 22.1.2004, the petitioner submitted his explanation on 28.2.2004. Thereafter, an enquiry officer was appointed, a domestic enquiry was conducted, and a report was submitted on 8.6.2004. On the basis of the report of the Domestic Enquiry Officer, the present show-cause notice is issued.

2. At this length of time, it does not lie in the mouth of the petitioner to say that the petitioner was never imputed with any misconduct, for conducting enquiry against him, under Section 51 of A.P. Co-operative Societies Act, 1964, therefore, the issuance of Show Cause Notice was bad.

3. I see no reason to interfere with the order under challenge, since the show cause notice is not a final order affecting the rights of the petitioner. No writ petition is entertained except on the ground of jurisdiction, or malafides are involved.

4. The writ petition is accordingly dismissed. No costs.

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C.V.RAMULU, J

Sd/-

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Secretary, Govt. of Andhra Pradesh, Cooperation

Department, A.P. Secretariat, Hyderabad.

2 The Registrar of Co.operative Societies, Nampally,

Hyderabad.
3 The Joint Registrar/District Co-operative Officer,

Machilipatnam, Krishna District.
4 The General Manager, Krishna District Cooperative Central

Bank Ltd. Machilipatnam, Krishna District.

5. 2 CCs to G.P for Co-operation, High Court of A.P.,Hyd.(OUT)

6. 2 CD copies

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